

Appl. No. 10/657,595
Docket No: 14406US03
Resp. dtd. Feb. 21, 2007
Reply to Office Action of Aug. 21, 2007

REMARKS

Claims 30-52 of the present application stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent No. 5,740,366.

The present amendment adds new dependent claims 53-92.

For at least the reasons stated below, the Applicants respectfully traverse the above rejections and submit that claims 30-52 and new dependent claims 53-92 are allowable.

Preliminary Remarks

The Applicants would like to thank the Examiner for withdrawing the restriction requirement as set forth in the Office Action mailed on Jan. 10, 2007.

Amendment to the Specification

The specification has been amended at page 15, line 28 to page 16, line 3 to add statements from Appendix C, pages 67-68. An implementation of the features described in these statements, and/or associated features, is contained in the code of Appendix B. Appendices B and C are described in the specification at page 1a, lines 14-24 and page 43, lines 3-17.

Obviousness-type Double Patenting Rejection

The Applicants do not agree with the rejection of pending claims 30-52 under the judicially created doctrine of obviousness-type double patenting, but nevertheless are submitting a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), disclaiming the terminal part of this application that extends beyond the expiration date of commonly owned U.S. Patent No. 5,740,366, to obviate the double patenting rejection. Applicants respectfully submit that the obviousness-type double patenting rejection is overcome.

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New Claims

The present amendment adds new dependent claims 53-92. The Applicants submit that all of such new dependent claims are allowable.

For example, new claims 53-68 each depend, directly or indirectly, from independent claim 34. Thus, the Applicants submit that each of such claims is allowable for at least the reasons for which claim 34 is allowable. Additionally, the Applicants submit that each of new claims 53-68 is independently allowable.

Also, new claims 69-92 each depend, directly or indirectly, from independent claim 52. Thus, the Applicants submit that each of such claims is allowable for at least the reasons for which claim 52 is allowable. Additionally, the Applicants submit that each of new claims 69-92 is independently allowable.

Related Applications

The Applicants take this opportunity to notify the Examiner of various potentially related co-pending applications, many of which are related to power-saving technology. Such applications include: 09/318,668, 10/630,138, 10/657,785, 10/631,071 and 11/009,338.

The Applicants also bring to the Examiner's attention that an ancestor patent, 6,374,311 is presently in reexamination with control number 90/008,136. The Applicants further take this opportunity to remind the Examiner of the Litigation Statement filed on June 3, 2006. Since the time that the Applicants submitted such statement, the International Trade Commission has found the ancestor patent 6,374,311 to be valid over the references of record in that matter. Such ITC decision is currently under appeal, and the parties are in the initial briefing phase.

Final Matters

The Office Action includes various statements regarding the pending claims, obviousness-type double patenting, obviousness and U.S. Patent No. 5,740,366 that are now moot in view of the previous discussion. Thus, the Applicants will not address all of

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such statements at the present time. The Applicants neither confirm nor deny such statements and explicitly reserve the right to challenge any of such statements in the future should the need arise (*e.g.*, if such statements should become relevant by being stated in a future rejection of any claim).

Summary

In summary, for at least the aforementioned reasons, the Applicants submit that all pending claims are in condition for allowance. Accordingly, the Applicants courteously solicit a Notice of Allowability with respect to all pending claims. To advance prosecution of the present application in an efficient manner, if the Examiner disagrees with the Applicants' positions stated above, or would like to discuss other aspects of the present application, the Applicants invite the Examiner to contact the Applicants' representative via telephone at the number below.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: Feb. 21, 2008

Respectfully submitted,

/Shawn L. Peterson/
Shawn L. Peterson
Attorney for applicant
Reg. No. 44,286

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
Chicago, Illinois 60661
Telephone: (312) 775-8000